

The Jerusalem Post
February 27, 1955

Judgment

The decision of the Supreme Court was delivered in two concurrent judgments. The President, after analyzing Judge Kliebard's judgment, stated that it was "a very good judgment."

as Magistrate's Court had given the father legal custody of the

children, Justice O'Leahan held that there was a complexity of legal problems attached to the question of whether the judgment of the Vermont court was valid in Austria, but that there was no need to deal with them since even if it were valid in Austria it could not possibly be binding in Israel, since proceedings in the Vermont court had been set in motion after the case

No Discrimination Against Women

as the legal guardian of the children was the law to be applied. He pointed out that section 1 of the Women's Equal Rights Law 1901, which states that any provision of law which discriminates with regard to any issue proceeding against women or women, shall be of no effect in Israel, applied also to provisions of the Austrian law which introduces discrimination against women.

men as guardians. This was further emphasized by section 3(a) of the same law which stated that both parents are the natural guardians of their children. Since the mother of the two girls was, therefore, one of their natural guardians but, in view of her mental state, was unable to fulfill that function, the court was empowered to appoint a guardian in her stead according

to the terms of section 30(b) which states that "the provision of subsection (a) shall not derogate from the power of a competent court... to deal with matters of guardianship over the person or property of children with the interest of the children as the sole consideration."

In dealing with the facts of the case, Justice Oshun pointed out that the deciding factor was the danger to the mental health of the elder girl and indirectly

the welfare of the younger sister who was bound by the strongest of spiritual ties to her sister. I emphasized that, with all respect to the District Court judge and without in any way underestimating the importance of national considerations, he did not think that the court would have been justified in preventing the appellant from taking his children with him for national

Justice Oshane concluded his judgment with the reminder that an order forbidding the girls be taken out of the country was not final and irrevocable and could be modified with a change of circumstances.

men's Equality of Rights. La held that in the case of any conflict the principle of the good of the child prevailed even against that of the equality of women in the eyes of the law, and all the more so would it prevail over the provisions of any foreign law over which the equality of women's rights took precedence. There was a logical explanation for this, continued Justice

berg, since the good of the state should either not be taken into account at all, or else it should be paramount. There was room for half-way measures. The Israeli legislator had chosen modern and enlightened principles which was, incidentally, the same as that of the ancient scholars of Israel since time immemorial and had set the good of the state above all other considerations.

While sympathizing with father, Justice Striberg pointed out that there was no sound reason for the conclusion reached by the Court and expressed the hope that the father would, in the future, come to realize this also.

Appeal dismissed without costs. Judgment given on February 20, 1933.

Game Stopped At Natanya

TEL AVIV, Saturday. — The First Division football match today, went off as anticipated except at Netanya where the game was stopped 10 minutes before time by referee Eudhorff when he was assaulted by the supporters of the Local Manager.

team who stormed onto the field after allowing a goal scored by Spallmark for visiting Petrus Thero Hæpøi, which the home fans claimed was offside.

Netah defeat Jerusalem Netah 4-0 after a goal-less first half. Outside, left Ashcroft and centre forward Almaliah scored twice each for Tel Aviv.

The results in the second round of the Israel Soccer Cup were:

Ashdod Club	1	Eliz. Yash. Macc.
Hadera Macc.	3	Be'erot Macc.
Ortodox Macc.	3	Shamron Macc.

[illegible]

Bob. Wap.	2	Handson Mass.
F. Thers Mass.	22	Tel Aviv Nap.
Schervel Mass.	14	University
Shackel Hall:		
Tel Aviv Mass.	21	Handson Mass.
Technion	20	Holla Mass.

**SALAME WINS
CARMEL RUN**

HAIFA, Saturday.—The seven Carmel Run, 5,000 m. from Carmel to Haifa, was won by Yosef Salame, of Haifa Maccabi, in 15.42.9 minutes, here this morning. Yosef Rivlin, ASA J. rusalem, was second in 17.0 minutes just in front of Reuven

Orni, of Kiryat Haim Hapoel (17.07.8). Some 200 runners, including girls, took part in the event. In the youth 17-18 group Nathan Yerushlansky, of Sha'ar Ha'amakim Hapoel, won over the 3,000 m. distance in 9 min 55.5 sec.

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 Country, 11.50 News, 11.55
 British (André Amis & Karin
 Bakeman), 12.00 Minutemen, 12.05
 12.15 To and from London.
 ANNIE FRANKMAN (1944 & 210)
 12.15 & 12.30 M.J.: 1.00 Country, 1.15
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 Light Music, 1.35 Sports, 1.45
 Music, 1.55 News, 2.00 Light Mu-
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